

Sixth Appellate District

San Jose, California

MONDAY, JUNE 9, 2008

The following cases are submitted this date:

H031851 PEOPLE v. ROTROFF

H031856 PEOPLE v. SANCHEZ

H031864 PEOPLE v. VASQUEZ

H031870 PEOPLE v. BURGESS

H032452 PEOPLE v. MARQUEZ

The portions of the judgment imposing a restitution fund fine in the amount of \$400 and a suspended parole revocation fine in the same amount are modified (1) to strike the \$400 restitution fund fine and reinstate the \$300 fine the court originally imposed under section 1202.4, subdivision (b); and (2) to reduce from \$400 to \$300 the suspended parole revocation fine imposed under section 1202.45. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections and Rehabilitation. (not published)

(Duffy, J.; We concur: Rushing, P.J., McAdams, J.)

Filed June 9, 2008

H031073 ULWELLING v. MELENDEZ

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed June 9, 2008

H032043 PEOPLE v. VIGIL

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed June 9, 2008

TUESDAY, JUNE 10, 2008

H031345 LANE v. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Duffy, J.)

Filed June 10, 2008

H032253 PEOPLE v. KENNARD

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Duffy, J.)

Filed June 10, 2008

Sixth Appellate District

San Jose, California

Tuesday, June 10, 2008 (continued)

H031998 PEOPLE v. TORRES

The court's order finding a violation of probation at the time of the search is reversed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed June 10, 2008

H031680 JOVANOVIC, et al. v. JACKSON

The order granting relief from default is affirmed (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed June 10, 2008

H032108 GRIFFITH v. MONTEREY COUNTY SHERIFF'S DEPARTMENT, et al.

The judgment is affirmed. The parties are to bear their own costs on appeal. (not published)
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 10, 2008

H031130 TENDLER v. WWW.JEWISHSURVIVORS.BLOGSPOT.COM, et al.

The superior court's orders are reversed, and the matter is remanded with directions to deny the section 425.16 motion. In the interests of justice, the parties shall bear their own costs on appeal. (not published)
(Mihara, Acting P.J.; I concur: Duffy, J.) (Concurring opinion by McAdams, J.)
Filed June 10, 2008

WEDNESDAY, JUNE 11, 2008

H030853 PEOPLE v. ORNELAS

The abstract of judgment is ordered modified by reducing the penalty assessment on the \$200 fine from \$470 to \$340. As so modified, the judgment is affirmed (not published)
(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Elia, J.)
Filed June 11, 2008

H031860 PEOPLE v. STARRETT

The July 18, 2007, order imposing an indeterminate term of commitment as an SVP is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 11, 2008

H031867 PEOPLE v. LOPEZ

The July 18, 2007, order imposing an indeterminate term of commitment as an SVP is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 11, 2008

Sixth Appellate District

San Jose, California

Wednesday, June 11, 2008 (continued)

H031842 PEOPLE v. FRASER

The July 18, 2007, order imposing an indeterminate term of commitment as an SVP is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 11, 2008

H031868 PEOPLE v. WALLACE

The July 18, 2007, order imposing an indeterminate term of commitment as an SVP is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 11, 2008

THURSDAY, JUNE 12, 2008

H031917 JACKSON v. JOVANOVIC, et al.

The posttrial order denying the motion to set aside the judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed June 12, 2008

H031978 NGHIEM v. FUJITSU MICROELECTRONICS, INC., et al.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed June 12, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Elia, J.; Bamattre-Manoukian, J.; and Jossie Michel, Deputy Clerk.

H031843 REYES, et al. v. CHEVRON, et al.

Cause called and argued by Stephen E. Norris appearing for Appellants and by Keith A. Robinson appearing for Respondents. Cause ordered submitted.

H031581 SIENA COURT HOMEOWNERS ASSOCIATION v. GREEN VALLEY CORPORATION, et al.

Cause called and argued by Matthew Poelstra appearing for Appellant and by Lisa J. Parrella appearing for Respondent and by Paul Cotter appearing for Respondents. Cause ordered submitted.

Elia, J. and Bamattre-Manoukian, J. leave the bench and McAdams, J. and Duffy, J. take the bench.

Sixth Appellate District

San Jose, California

Thursday, June 12, 2008 (continued)

H032155 In re Marriage of THIRUNAVU & ANNAMALAI

Cause called and argued by Lakshmi Thirunavu appearing for Appellant and by Hugh T. Thomson appearing for Respondent. Cause ordered submitted.

Rushing, P.J. leaves the bench and Bamattre-Manoukian, Acting P.J. takes the bench.

H031157 AVERY, et al., v. COUNTY OF SANTA CLARA, et al.

Cause called and argued by Marc G. Hynes appearing for Appellants and by Lizanne Reynolds appearing for Respondents. Cause ordered submitted.

H031137 In re Marriage of PHAM

Cause called and argued by Mathieu Pham, Appellant appearing in propria persona. No appearance is made on behalf of Respondent. Cause ordered submitted. Court adjourns.

H032225 PEOPLE v. WILLIAMS

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed June 12, 2008

H031748 PEOPLE v. RODEWALD

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed June 12, 2008

FRIDAY, JUNE 13, 2008

H032214 PEOPLE v. JIMENEZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed June 13, 2008

H031855 PEOPLE v. ROSE

The July 19, 2007 order requiring appellant to remain committed as an SVP for an indeterminate term is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 13, 2008

H031665 PEOPLE v. JUDITH S.

The order is affirmed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed June 13, 2008